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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 205**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2001**

<i>Made</i>	- - - -	<i>11th May 2001</i>
<i>Laid before the Assembly</i>		<i>21st May 2001</i>
<i>Coming into operation</i>		<i>11th June 2001</i>

The Department of Health, Social Services and Public Safety(1), in exercise of the powers conferred on it by Articles 36(6) and 99(5) of the Health and Personal Social Services (Northern Ireland) Order 1972(2) and of all other powers enabling it in that behalf, hereby makes the following regulations:

**Citation, commencement and interpretation**

1.—(1) These regulations may be cited as the Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 11th June 2001.

(2) In these regulations “the principal regulations” means the Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993(3).

**Amendment of regulation 20 (capital limit) of the principal regulations**

2. In regulation 20(4) (capital limit) of the principal regulations for the amount “£16,000” substitute the amount “£18,500”.

**Amendment of regulation 28(1) of the principal regulations**

3. In regulation 28(1)(5)(calculation of tariff income from capital) of the principal regulations—
- (a) for the amount “£10,000” (both times it appears) substitute the amount “£11,500”; and
  - (b) for the amount “£16,000” substitute the amount “£18,500”.

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(1) See S.I. 1999/283 (N.I.) – Article 3(6)  
(2) S.I. 1972/1265 (N.I. 14); Article 36 was substituted by Article 25 of S.I. 1991/194 (N.I. 1), and then amended by paragraph 2(4) and (5) of Schedule 1 to S.I. 1992/3204 (N.I. 20); and Article 99 was substituted by Article 27 of S.I. 1991/194 (N.I. 1)  
(3) S.R. 1993 No. 127, the relevant amending instruments are S.R. 1996 No. 83 and S.R. 1998 No. 138  
(4) Regulation 20 was amended by regulation 3 of S.R. 1996 No. 83  
(5) Regulation 28 was substituted by regulation 4 of S.R. 1996 No. 83

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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**Amendment of Schedule 4 to the principal regulations**

**4.—(1)** At the end of Schedule 4 to the principal regulations (capital to be disregarded), after paragraph 19(6), there shall be added the following new paragraphs—

“**20.** Any amount which would be disregarded under paragraph 57(7) of Schedule 10 to the Income Support Regulations (ex-gratia payment made by the Secretary of State in consequence of a person’s imprisonment or internment by the Japanese during the Second World War).

**21.** Any payment which would be disregarded under paragraph 59(8) of Schedule 10 to the Income Support Regulations (payments under a trust established out of funds provided by the Secretary of State in respect of persons who suffered or are suffering from variant Creutzfeldt-Jakob disease).”

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 11th May 2001.

L.S.

*Leslie Frew*  
Assistant Secretary

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(6) Paragraph 19 was added by regulation 5 of S.R. 1998 No. 138  
(7) Paragraph 57 was added by regulation 2(a) of S.R. 2001 No. 4  
(8) Paragraph (59) was added by regulation (N) of S.R. 2001 No. 150

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations make further amendments to the Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993 (“the principal regulations”) which relate to the assessment by Health and Social Services Boards and HSS trusts of the resources of residents in accommodation arranged under Articles 15 and 36 of the Health and Personal Social Services (Northern Ireland) Order 1972.

The principal regulations are amended so that:—

- (a) the capital limit above which a Resident is not entitled to be assessed as unable to pay for accommodation is increased from £16,000 to £18,500. (Regulation 2)
- (b) weekly tariff income is to be calculated on a Resident’s capital between £11,500 and £18,500 instead of on the previous lower and upper limits of £10,000 and £16,000. (Regulation 3)
- (c) two further categories of capital to be disregarded under Schedule 4 to the principal regulations are introduced:—
  - (i) any ex-gratia payment of £10,000 made on or after 1st February 2001 by the Secretary of State in consequence of a person’s imprisonment by the Japanese during the Second World War. (Regulation 4)
  - (ii) payments made under a trust established out of funds provided by the Secretary of State in respect of persons suffering from Variant Creutzfeldt-Jacob disease. (Regulation 4)